

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MYRON GARCIA,

Petitioner,

v.

Civ. No. 15-377 MCA/SCY

DAVID RIVAS, *Warden*,
PUEBLO OF KEWA, *formally the Pueblo
of Santo Domingo*,

Respondents.

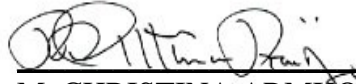
**ORDER ADOPTING MAGISTRATE JUDGE’S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION AND DISMISSING CASE**

THIS MATTER is before the Court on Petitioner Myron Garcia’s 25 U.S.C. § 1303 motion for a writ of habeas corpus. ECF No. 1. On March 11, 2016, Magistrate Judge Steven C. Yarbrough filed Proposed Findings and Recommended Disposition (“PFRD”) advising that the Court grant Petitioner’s motion. ECF No. 25. Specifically, he found that the Pueblo failed to appropriately credit Petitioner with time served toward his tribal sentence and that, had the Pueblo properly calculated Petitioner’s tribal sentence when he was returned to the physical custody of the Pueblo, Petitioner would have completed his tribal sentence on October 24, 2015. ECF No. 25. Accordingly, Judge Yarbrough recommended that Petitioner be released from tribal custody. Respondent has filed no objections to the PFRD, thereby waiving its right to review of the proposed disposition. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the record, the Court concurs with the Magistrate Judge’s findings and recommendations.

IT IS THEREFORE ORDERED THAT:

1. The Magistrate Judge’s Proposed Findings and Recommended Disposition (ECF No. 25) is ADOPTED.

2. Petitioner's motion is GRANTED.

A handwritten signature in black ink, appearing to read "M. Christina Armijo", is written over a horizontal line.

M. CHRISTINA ARMIJO
Chief United States District Judge